

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

JUDY ENDERS/MADEN, :
 :
 Plaintiff, :
 :
 v. : Civil Action No. 05-669-JJF
 :
 SUPER FRESH, :
 :
 Defendant. :

ORDER

WHEREAS, on November 21, 2006, Defendant filed a Motion To Compel Deposition of Plaintiff (D.I. 37);

WHEREAS, Defendant seeks an order compelling Plaintiff to appear for a deposition and for an award of costs and expenses;

WHEREAS, Plaintiff failed to appear at a deposition scheduled to take place on November 21, 2006;

WHEREAS, Plaintiff filed no objection to the Notice of Deposition scheduled for November 21, 2006, and filed no response to the instant Motion To Compel Deposition;

WHEREAS, the Court concludes that circumstances do not warrant the award of costs and expenses at this time;

NOW THEREFORE, IT IS HEREBY ORDERED that:

1. Defendant's Motion To Compel Deposition (D.I. 37) is **GRANTED**.

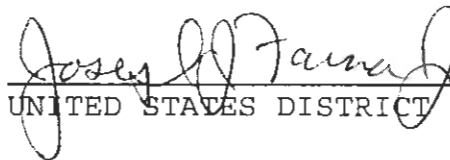
2. Plaintiff shall, no later than **January 19, 2007**, make herself available for a deposition at a time and place to be agreed upon by the parties.

3. The deadline for the filing of case dispositive motions

shall be extended such that any case dispositive motions, pursuant to the Federal Rules Of Civil Procedure, shall be served and filed with an opening brief on or before **February 15, 2007**.

4. Each party shall bear its own costs and expenses.

January 9, 2007


UNITED STATES DISTRICT JUDGE